

Ejectment Suit 16 of 2018.

[ CNR No WBPS 01 000044 2018 ]  
Before - Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-36.

29/01/2025.

Today is fixed for taking steps by the plaintiff in terms of Order dated 17/12/2019.

Plaintiff files hazira.

Plaintiff also files a petition praying for passing necessary order along with photocopies of certain documents.

Plaintiff also file notarized attested photocopy of affidavit dated 16-08-2023, photocopy of general power of attorney dt 19/03/2019 and photocopy of passport of one Badsa Sahajahan and affidavit of competency for the petitioner . Let the same be kept with the case record.

Ld. Advocate for the plaintiff moved the petition and submitted that the plaintiff has complied in terms of Order dated 17/12/2019 passed by this Court and therefore necessary order may be passed.

Heard Ld. Advocate for the plaintiff.

Perused the petition and materials on record.

Perused the impugned handwritten order dated 17/12/2019 passed by my predecessor-in-office wherein this Court allowed the petition u/o-22 Rule 1 of C.P Code filed by the petitioner Smt. Ankhi Tapaswi substituting her as plaintiff in place of the deceased plaintiff with observations :-

*“ Having regard to the scope of Section 92 of C.P C and Order 1 Rule 8 of C.P.C, considering the nature of locus standi of the shebait in the suit property where they are/ they had been representing each other, no fresyh proceedings in case of death of one of the Shebait of the plaintiffs in the form of Reba Devi is required for.*

*Accordingly, this suit does not abate on the demise of one of the Shebait of the plaintiff.*

*Expunge the name of Reba Debi @ Reba Thakur from the Cause Title of the plaint as the representative of the plaintiff of this suit and let that be substituted by the present other Shebait - Ankhi Tapaswi for the plaintiff.*

*Arrange accordingly. Note in the register.*

*p.t.o.....*

*Heard Ld. Advocate for the plaintiff about the deceased Shebait. Since it is not forthcoming prima facie that the concerned Shebait, since deceased Reba Devi @ Reba Thakur had no such locus standi as Shebait of the plaintiff, I, at this stage, don't find any further reason to ascertain better/ further details of the concerned deceased Shebait's identify at this stage of this proceedings. However, further at the later stage of this suit, plaintiffs side may again be required to produce further particulars of deceased Reba Devi @ Thakur , if this Court so demands for the ends of justice.*

*Accordingly, this petition is disposed of. Plaintiff side is to take steps by 28/01/2020. "*

So, from the above order passed by my predecessor in office, it is clear that the instant petitioner Mrs. Ankhi Tapaswai had already been substituted as plaintiff in this suit and no further order is required in that respect.

Regarding the direction given by the Court to produce the further particulars of the deceased Reba Devi @ Thakur , today plaintiff / petitioner has filed affidavit of competency sworn by the her husband who has been duly authorized by the petitioner / plaintiff to represent her on the strength of a general power of attorney dt 19-03-2019 stating that the petitioner is competent to proceed with the instant suit. Photocopy of said general power of attorney is also enclosed.

So considering the documents submitted by the petitioner/ plaintiff as well as the impugned order dated 17/12/2019 as well as materials on record, this Court finds no reason to debar the petitioner/ plaintiff to proceed with the suit. The petition filed by the petitioner/ plaintiff today is thus considered and allowed.

Since petitioner has already stepped into the shoes of the erstwhile deceased plaintiff, accordingly, fix ( **25/02/2025** ) for filing amendment plaint by the plaintiff.

Dictated & corrected

by me :-

Chief Judge.  
J.O .Code:- WB 01244.

